REPORT SUMMARY

OWNER, APPLICANT or AGENT SHOULD ATTEND THE CONSIDERATION OF THIS APPLICATION

Date of Consideration: **September 10, 2015** **TIME: 10:10 a.m.**

File Number: **B71/15**

Applicant: **Ned & Lily Krayishnik**

Subject Lands: TOWNSHIP OF PUSLINCH – Part Lot 7, Concession 1

Proposal is a request for consent to convey fee simple for a proposed lot line adjustment 8.7 hectares (21.5 acres) with no frontage in the TOWNSHIP OF PUSLINCH – Part Lot 7, Concession 1, existing residential and agricultural use with dwelling, barn and 2 sheds to be added to abutting agricultural parcel – Norman Doud Estate; retained lands are 2.35 hectares (5.8 acres).

ISSUES: Committee to be satisfied that status of "former Krayishnik residence" can be resolved to satisfaction of Township of Puslinch

SUMMARY of FILED REPORTS and COMMENTS:

Township of Puslinch – in support subject to fulfillment of conditions; rezoning required prior to issuing building permit on severed; building permit required to convert duplex dwelling to single detached; new sewage system required for 5 bedroom dwelling as per the OBC;

County Planning notice cards were posted at time of site visit; dwelling on severed would be transferred to neighbouring lot upon merging – proposed farm help. The "former Krayishnik residence" is in contravention of the Zoning By-law – only one single detached dwelling permitted per lot in Agricultural Zone; MDS1 - barn on severed rented for horses – require farm data sheet to complete necessary calculations to new lot line for retained; Official Plan designated Secondary Agricultural, Core Greenlands and Greenlands; Zoned Agricultural – both lots meet applicable minimum lot area and frontage requirements; only one single detached dwelling permitted per lot – rezoning or demolition; Note: Twp concerns about need for Official Plan Amendment relative to farm help – Section 6.4.6 of OPA states that "accessory residential uses needed for farm help or a garden suite may be allowed provided that they are established near the farm buildings" OPA is not required. The issue is whether the need for farm help in the illegal dwelling is warranted.

Conservation Authority (GRCA) – no objections to lot line adjustment

Others Glenn Wellings – agent/planning consultant – cover letter explanation of application (attached)

PROPOSED CONDITIONS of APPROVAL

1) THAT the Owner's solicitor, in preparation for the issuance of the Certificate of Consent, provide to the Secretary-Treasurer of the County of Wellington Planning and Land Division Committee a printed copy of the "completed electronic transfer document in preparation".
2) THAT the solicitor for the Owner give and undertaking in writing to provide to the Secretary-Treasurer of the County of Wellington Planning and Land Division Committee within 30 days of the date of registration in the Land Registry/Land titles Office for Wellington (No. 61) a copy of the receipted and registered electronic Transfer **including the Form 4 Certificate** and **Application for Consolidation of Parcels document for the consented parcel and the abutting lands to which the consented parcel is to be added** for Consent B71/15.
3) THAT the Owner, as provided for under Section 69 of the Planning Act, R.S.O. 1990, shall pay to the Treasurer of the County of Wellington the administrative fee which is in effect at the time of the payment of the fee for the review and issuance of the Certificate of Consent for the severed parcel.
4) THAT the transfer for registration with respect to description complies with Ontario Regulation 43-96; and if that description contains a reference to a Reference Plan(s), the Owner's solicitor **shall provide a full print of that deposited reference plan(s)** to the secretary-treasurer of the Planning and Land Division Committee.
5) THAT the Purchaser take title of the severed lands in the same manner as he holds his abutting lands; and **THAT** Section 50, subsection (3) of the Ontario Planning Act, R.S.O. 1990 as amended shall apply to any subsequent conveyance or any transaction involving the parcel of land that is the subject of this consent.
6) THAT the conveyancing documents for the severed parcel contain a statement to ensure that Section 50, subsection (3) of the Planning Act, R. S. O. 1990, as amended shall apply to any subsequent conveyance or transaction with respect to the land described herein; and a statement that the consented parcel and the abutting lands to which this consented parcel is to be added shall be dealt with contemporaneously in any future conveyances or transactions unless further consent is granted under the Planning Act or other lawful order.
7) THAT the Owner satisfy all the requirements of the local municipality, financial and otherwise which the local municipality may deem to be necessary at the time of issuance of the Certificate of Consent for the proper and orderly development of the subject lands; and further that the Local Municipality file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.
8) THAT a Farm Data Sheet for the horse operation on the severed lands and Parcel B (on sketch) is provided demonstrating compliance with Minimum Distance Separation 1 (MDS1) requirements to the

satisfaction of the County Planning and Development Department; and further that the County of Wellington Planning Department submit to the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition

9) THAT the dwelling referred to in the consent application as the "former Krayishnik residence" be demolished **or THAT** the applicant/owner apply for and obtain a rezoning to permit a second dwelling for farm help on the merged lands (6637 Concession 2) including, but not limited to, submission of a satisfactory Needs Assessment for Farm Help prepared by an Agrologist or other qualified professional to the satisfaction of the Township of Puslinch; and further that the Township of Puslinch file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.

10) THAT the applicant/owner apply for and obtain a building permit and complete the works required under the building permit for the dwelling referred to in the consent application as the "former Krayishnik residence" to the satisfaction of the Township's Chief Building Official, including a sewage system that meets the requirements of the Ontario Building Code; and further that the Township of Puslinch file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.

11) THAT the applicant/owner apply for and obtain a building permit and complete the works required under the building permit for the change in use of the accessory building to a barn, referred to in the consent application as a "barn" to the satisfaction of the Township's Chief Building Official; and further that the Township of Puslinch file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.

12) THAT the driveway between the dwelling on the retained lands and the dwelling referred to in the consent application as the "former Krayishnik residence" on the severed lands be removed to the satisfaction of the Township of Puslinch; and further that the Township of Puslinch file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.

13) THAT the applicant/owner confirm that MDS II requirements have been met to permit the change in use of the accessory building to a barn, referred to in the consent application as a "barn" to the satisfaction of the Township's Chief Building Official; ; and further that the Township of Puslinch file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.

*****Conditions may be deleted, added to, or changed at meeting*****

County of Wellington Planning and Land Division Committee
Deborah Turchet, Secretary-Treasurer
Wellington County Administration Centre
74 Woolwich Street, Guelph, ON N1H 3T9

August 27, 2015

NOTICE OF CONSIDERATION IN PUBLIC FORUM

Pursuant to SECTION 53 of the ONTARIO PLANNING ACT and applicable Regulations

with respect to Application for consent,

File B71/15

APPLICANT

Ned & Lily Krayishnik
6643 Concession 2
Cambridge ON N3C 2V4

LOCATION OF SUBJECT LANDS:

TOWNSHIP OF PUSLINCH
Part Lot 7
Concession 1

Proposed lot line adjustment is 8.7 hectares with no frontage, existing residential and agricultural use with dwelling, barn and 2 sheds to be added to abutting agricultural parcel – Norman Doud Estate.

Retained parcel is 2.35 hectares with 30m frontage, existing and proposed rural residential use with existing dwelling.

AND FURTHER TAKE NOTICE that the Committee has appointed **THURSDAY, September 10, 2015**

AT 10:10 a.m. for the purpose of considering this matter.

CONSIDERATION WILL BE HELD IN THE: 3A (Keith Room)
County of Wellington Administration Centre
74 Woolwich Street
Guelph, Ontario N1H 3T9

NOTICE is being sent to you for your information. **THE OWNER, APPLICANT OR AUTHORIZED AGENT, OR AUTHORIZED SOLICITOR SHOULD ATTEND THIS CONSIDERATION**. Any person may be represented by counsel who has been duly authorized for that purpose.

Even if the owner/applicant does not attend, the Committee will consider the application as scheduled, and the applicant, except as otherwise provided in the Planning Act, will not be entitled to any further notice in the Proceedings.

Please also be advised that if a person or public body that filed an appeal of a decision of the County of Wellington Planning and Land Division Committee in respect of the proposed consent has not made written submission to the County of Wellington Planning and Land Division Committee before it gives or refuses to give a provisional consent, then the Ontario Municipal Board may dismiss the appeal.

A Copy of the **DECISION** of the Committee will be sent **to the applicant, and to each person or agency who filed with the Secretary-Treasurer a written request for Notice of Decision.**

Additional Information regarding the application is available to the public during regular business hours, Monday to Friday at the County of Wellington Planning and Land Division Office - 74 Woolwich St. Guelph ON N1H 3T9

Phone - (519) 837-2600 x2170 Fax – (519) 837-3875

To view comments for this application on our website www.wellington.ca follow these steps:

- ⇨ **Government**
- ⇨ **Council and Standing Committees**
- ⇨ **Land Division Committee**
- ⇨ **choose month & year in drop down menus**
- ⇨ **Choose Land Division Committee in the drop down menu**
- ⇨ **open appropriate agenda**

TO: **Agent – Glenn Wellings**

RECEIVED

AUG 20 2015

SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

MUNICIPALITY COMMENTING FORM

The Planning and Land Division Committee, in considering the following application, respectfully requests input from the municipality. The Application and Sketch are enclosed for your information.

FILE NO: B71/15

APPLICANT

Ned & Lily Krayishnik
6643 Concession 2
Cambridge ON N3C 2V4

LOCATION OF SUBJECT LANDS

TOWNSHIP OF PUSLINCH
Part Lot 7
Concession 1

Proposed lot line adjustment is 8.7 hectares with no frontage, existing residential and agricultural use with dwelling, barn and 2 sheds to be added to abutting agricultural parcel – Norman Doud Estate.

Retained parcel is 2.35 hectares with 30m frontage, existing and proposed rural residential use with existing dwelling.

RECEIVED
JUL 14 2015
Township of Puslinch

2301 · 000 · 003 · 22030

PLEASE PROVIDE COMPLETE PROPERTY ASSESSMENT ROLL NUMBER

Does this description reasonably describe the parcel holdings? YES(✓) NO( )

If answer is no, please provide new information: _____

Do you consider this proposal to conform to your Official Plan? YES( ) NO( )

What Section(s) does it conform to or contravene? (Please specify) County to Comment

Will the Severed Parcel comply with all requirements of the Zoning By-law? YES [ ] NO [✓]

(Please Specify) Agricultural Zone - lot line adjustment will create one parcel with two dwellings

Will the Retained Parcel comply with all requirements of the Zoning By-law? YES [✓] NO [ ]

(Please Specify) Agricultural Zone - meets all lot size requirements

If Necessary, would the Municipality be prepared to consider an **Amendment** to the Zoning By-Law to permit the proposal to conform? YES(✓) NO( ) N/A( ) or **Minor Variance** YES( ) NO( ) N/A( )

→ see conditions

Is proposal on an opened maintained year-round public road YES(✓) NO( )
If answer is NO, is municipality willing to enter into an agreement regarding use of the seasonal road, or opening up the road ?

Please specify _____

Is the Proposed Lot(s) serviced now by Municipal Water YES( ) NO(✓)

Is the Retained Lot serviced now by Municipal Water YES( ) NO(✓)

Is the Proposed Lot(s) serviced now by Municipal Sewers YES( ) NO(✓)

Is the Retained Lot serviced now by Municipal Sewers YES( ) NO(✓)

Is there a **Capital Works Project** underway to service these lots in the near future YES( ) NO(✓)

Approximate Time of Servicing Availability: _____

Are there any other servicing arrangements, Municipal easements or Municipal Drains on the subject lands?

N/A

Continued to Page 2

MUNICIPALITY COMMENTING FORM

FILE NO: B71/15

Is the Municipality's Building Official satisfied that there is a sufficient site on the severed parcel for individual well and septic services?
YES [✓] NO [ ]

Notes: • Rezoning is required prior to issuing a building permit for the dwelling on the lands to be severed
• Building Permit is required to Convert duplex dwelling to a single detached dwelling. New sewage system is required for 5 bedroom dwelling as per the OBC.

Is there any further information that may assist the Planning and Land Division Committee?
[A letter may be attached if there is insufficient space to explain]

Note Minor Variance A5/2006 granted to permit 30.48m frontage on retained parcel
· Building Permit is required for the change of use of an accessory building to a barn.
· MDS II is required

Is the Municipality in support of this application? **YES(✓) NO( )** - subject to conditions attached

What Conditions, if any, are requested by the Municipality if the Consent is granted?

See attached

Does the Municipality request a Notice of the Decision? YES(✓) NO( )

SIGNATURE Kelly Patzer K. Patzer

TITLE: Development Coordinator

ADDRESS: 7404 Wellington Rd 34, Guelph, ON N1H 6H9

DATE: August 19, 2015

Severance Application B71/15 – Ned & Lily Krayishnik

Township Conditions:

- THAT the Owner satisfy all the requirements of the local municipality, financial and otherwise which the local municipality may deem to be necessary at the time of issuance of the Certificate of Consent for the proper and orderly development of the subject lands; and further that the Local Municipality file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition; and

- That the dwelling referred to in the consent application as the "former Krayishnik residence" be demolished or that the applicant/owner apply for and obtain a rezoning to permit a second dwelling for farm help on the merged lands (6637 Concession 2); and

- That the County shall confirm whether an Official Plan Amendment is required to permit a second dwelling for farm help on the merged lands (6637 Concession 2); and

- That should an Official Plan Amendment be required, that the applicant/owner apply for and obtain an Official Plan Amendment to permit a second dwelling for farm help on the merged lands (6637 Concession 2); and

- That the applicant/owner apply for and obtain a building permit and complete the works required under the building permit for the dwelling referred to in the consent application as the "former Krayishnik residence" to the satisfaction of the Township's Chief Building Official, including a sewage system that meets the requirements of the Ontario Building Code; and

- That the applicant/owner apply for and obtain a building permit and complete the works required under the building permit for the change in use of the accessory building to a barn, referred to in the consent application as a "barn", to the satisfaction of the Township's Chief Building Official; and

- That the applicant/owner confirm that MDSII requirements have been met to permit the change in use of the accessory building to a barn, referred to in the consent application as a "barn", to the satisfaction of the Township's Chief Building Official; and

- That the County confirm that and requirements under MDSI have been achieved; and

- That the driveway between the dwelling on the retained lands and the dwelling referred to in the consent application as the "former Krayishnik residence" on the severed lands be removed to the satisfaction of the Township.

Planning and Development Department | County of Wellington
County Administration Centre | 74 Woolwich Street | Guelph ON N1H 3T9
T 519.837.2600 | F 519.823.1694

RECEIVED
AUG 24 2015
SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

Application	B71/15
Location	Part Lot 7, Concession 1 TOWNSHIP OF PUSLINCH
Applicant/Owner	Ned & Lily Krayishnik

PLANNING OPINION: This proposed lot line adjustment would sever an 8.7 ha (21.5 ac) parcel with a dwelling, barn and garage. The parcel would be added to a property to the west, which upon merging would be 21.4 ha (52.9 ac) in size. A 2.35 ha (5.8 ac) parcel would be retained with an existing dwelling.

The dwelling on the severed lands ("former Krayishnik residence" per application materials) would be transferred to the neighbouring lot upon merging. It is proposed to be used for farm help. The "former Krayishnik residence" is in contravention of the Zoning By-law. Only one single detached dwelling is permitted per lot in the Agricultural (A) Zone. The Committee should be satisfied that the status of the "former Krayishnik residence" can be resolved to the satisfaction of the Township of Puslinch.

If approved, we would recommend that the following matters are addressed as conditions of approval:

a) That the "former Krayishnik residence" on the severed lands is demolished or that the property is rezoned to permit an accessory residence for farm help on the merged parcel to the satisfaction of the Township;
b) That a Needs Assessment for Farm Help prepared by an Agrologist or other qualified professional is provided to the satisfaction of the Township as part of a rezoning application to permit an accessory residence for farm help on the merged parcel (if the "former Krayishnik residence" is to be retained);
c) That septic system improvements are completed to service the "former Krayishnik residence" (if it is to be retained) to the satisfaction of the Chief Building Official of the Township;
d) That a Farm Data Sheet for the horse operation on the severed lands and Parcel B is provided demonstrating compliance with Minimum Distance Separation 1 (MDS1) requirements to the satisfaction of the County Planning and Development Department;
e) That the purchaser take title to the severed lands in the same manner as they hold their abutting land; and
f) That Subsection 50(3) of the Planning Act, R.S.O., 1990 be applied to any subsequent conveyance or any transaction involving the parcel of land that is the subject of this Consent.

PLACES TO GROW: The subject property is within the RURAL AREAS designation of the Growth Plan.

PROVINCIAL POLICY STATEMENT (PPS): Section 1.1.4 states that "In rural areas located in municipalities... a) permitted uses and activities shall relate to the management or use of resources, resource-based recreational activities, limited residential development and other rural land uses;... c) new land uses, including the creation of lots, and new or expanding livestock facilities, shall comply with the minimum distance separation formulae".

With respect to Minimum Distance Separation 1 (MDS1) there is a barn on the severed lands being rented for horses. There is also a horse operation on the lands to be merged with the severed parcel. According to Guideline 8, "MDS1 is applied to a proposed lot with an existing dwelling when the dwelling is presently located on the same lot as the subject livestock facility." We require a Farm Data Sheet to complete the necessary calculations to the new lot line for the retained lands. The Farm Data Sheet should include livestock capacity, manure storage and tillable acreage for the consolidated horse operation on the severed lands and Parcel B.

According to Section 2.5.2.5 of the PPS "In areas adjacent to or in known deposits of mineral aggregate resources, development and activities which would preclude or hinder the establishment of new operations or access to the resources shall only be permitted if:

a) resource use would not be feasible; or
b) the proposed land use or development serves a greater long-term public interest; and
c) issues of public health, public safety and environmental impact are addressed."

Planning and Development Department | County of Wellington
County Administration Centre | 74 Woolwich Street | Guelph ON N1H 3T9
T 519.837.2600 | F 519.823.1694

GREENBELT PLAN: Not within Greenbelt Plan area.

WELLINGTON COUNTY OFFICIAL PLAN: The subject property is designated SECONDARY AGRICULTURAL, CORE GREENLANDS and GREENLANDS. The retained lands are part of a wider Mineral Aggregate Resource Area (Schedule C) and the severed lands are part of the Paris Galt Moraine Policy Area (Schedule B7). The Greenlands System designations protect significant woodlands and a wetland toward the rear of the property.

According to Section 10.4.6 lot line adjustments are permitted where no adverse effect on agriculture will occur and are encouraged where more viable agricultural operations will result.

The matters under Section 10.1.3 were also considered, including a) "that any new lots will be consistent with official plan policies and zoning regulations" and j) "that natural resources such as agricultural lands and mineral aggregates would not be affected adversely". With respect to mineral aggregates, as there are several existing residential uses nearby and there are no zoned or licenced pits in the immediate area, we feel that the impacts to the mineral aggregate area associated with the proposed development would not be significant.

LOCAL ZONING BY-LAW: The subject property is zoned Agricultural (A). Both lots would meet the applicable minimum lot area and frontage requirements.

Only one single detached dwelling is permitted per lot in the Agricultural (A) Zone. Accessory residential uses, a second single detached dwelling or a duplex dwelling are not permitted. Although item 29 of the application form indicates that the proposal conforms to the existing zoning, the supplemental application materials indicate "that future relief from the Zoning By-law will be required to permit the use of the dwelling on the lands to be severed and merged with the Tschanz property." Demolition of the dwelling would also bring the property into conformity with the Zoning By-law.

SITE VISIT INFORMATION: The subject property was visited and photographed on July 23, 2015. Notice Cards were posted and the survey sketch appears to meet the application requirements.

ADDITIONAL INFORMATION: We note that the Township has concerns about the need for an Official Plan Amendment relative to the farm help component of this application. Section 6.4.6 of the Official Plan states that "accessory residential uses needed for farm help or a garden suite may be allowed provided that they are established near the farm buildings". An Official Plan Amendment is not required. The issue is whether the need for farm help in the illegal dwelling is warranted.

Sarah Wilhelm, MCIP, RPP, Senior Planner
August 24, 2015

400 Clyde Road, P.O. Box 729 Cambridge, ON N1R 5W6
Phone: 519.621.2761 **Toll free:** 866.900.4722 **Fax:** 519.621.4844 **Online:** www.grandriver.ca

PLAN REVIEW REPORT: County of Wellington, Planning & Land Division Committee
Deborah Turchet, Secretary-Treasurer

DATE: August 17, 2015 **YOUR FILE:** B71/15
GRCA FILE: B71-15 – 6643 Concession 2 (Krayishnik)

RECEIVED
AUG 18 2015
SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

RE: **Application for Consent B71/15**
Part Lot 7, Concession 1, Township of Puslinch
6643 Concession 2
Ned and Lily Krayishnik

GRCA COMMENT: *

The Grand River Conservation Authority (GRCA) has no objection to the proposed lot line adjustment of 8.7 hectares to be added to the abutting parcel.

BACKGROUND:

1. **Resource Issues:**

   Information currently available at this office indicates that the lands to be severed contain a wetland and the allowance adjacent to the wetland. The lands to be merged with (Parcel B) contain erosion hazard and the allowance adjacent to the Provincially Significant Puslinch Lake Irish Creek Wetland Complex.

   The lands to be retained do not contain any features of interest to the GRCA.

2. **Legislative/Policy Requirements and Implications:**

   Due to the presence of the above-noted features, portions of the lands to be severed and merged as well as portions of Parcel B are regulated by the GRCA under Ontario Regulation 150/06 - Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation. Any future development or other alteration within the regulated area on the subject lands will require prior written approval from GRCA in the form of a permit pursuant to Ontario Regulation 150/06.

3. **Additional Information/Suggestions provided in an advisory capacity:**

   We wish to acknowledge receipt of the minor consent plan review fee in the amount of $380.00 for the processing of this application. The original cheque in the amount of $385.00 will be returned to the applicant with a copy of this correspondence.

Member of Conservation Ontario, representing Ontario's 36 Conservation Authorities ▪ The Grand – A Canadian Heritage River

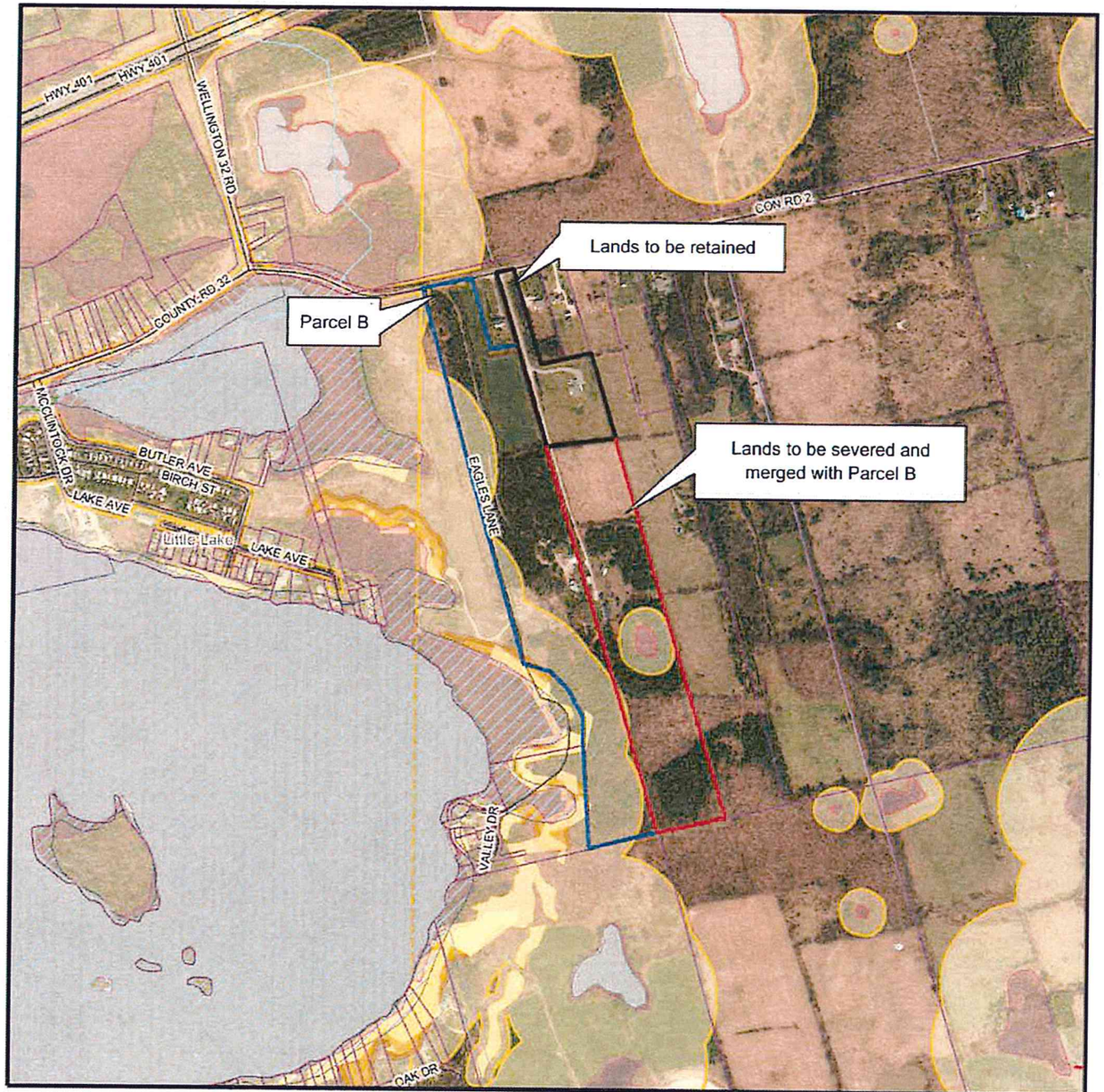
Should you have any further questions or require additional information, please contact me at 519-621-2763 ext. 2236.

Yours truly,

Andrew Herreman
Resource Planner
Grand River Conservation Authority

These comments are respectfully submitted to the Committee and reflect the resource concerns within the scope and mandate of the Grand River Conservation Authority.

c.c. Township of Puslinch
Ned & Lily Krayishnik – 6643 Concession 2, Cambridge, ON N3C 2V4
Wellings Planning Consultants Inc. c/o Glenn Wellings – 564 Emerald Street, Burlington, ON L7R 2N8



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THIS MAP IS NOT TO BE USED FOR NAVIGATION

Grand River Conservation Authority
Map created: August 17, 2015
Prepared by: ah

B71/15

LEGEND

- WATERSHED BOUNDARY (GRCA)
- UTILITY LINE (NRVIS)
- ROADS-ADDRESSED (MNR)
- RAILWAY (NRVIS)
- CLASSIFIED STREAMS - NEW (NRVIS)
  - COLD WATER
  - COOL WATER
  - UNKNOWN
  - WARM WATER
- DRAINAGE-NETWORK (GRCA)
- PARCELS-ASSESSMENT (MPAC)
- LOTS (NRVIS)
- FLOODPLAIN-SPECIAL POLICY AREA (GRCA)
- FLOODPLAIN (GRCA)
  - ENGINEERED
  - APPROXIMATE
  - ESTIMATED
- WETLAND (GRCA)
- SLOPE VALLEY (GRCA)
  - STEEP
  - OVERSTEEP
- SLOPE EROSION (GRCA)
  - STEEP
  - OVERSTEEP
  - TOE
- WETLAND (NRVIS)
  - PROVINCIALLY SIGNIFICANT
  - LOCALLY SIGNIFICANT
  - UNEVALUATED
- PARKS (GRCA)
- REGULATION LIMIT 2014 (GRCA)
- DRAINAGE-POLY (NRVIS)
- 2010 ORTHO (ONT)

GRCA Disclaimer

This map is for illustrative purposes only. Information contained hereon is not a substitute for professional review or a site survey and is subject to change without notice. The Grand River Conservation Authority takes no responsibility for, nor guarantees, the accuracy of the information contained on this map. Any interpretations or conclusions drawn from this map are the sole responsibility of the user.

The source for each data layer is shown in parentheses in the map legend. For a complete listing of sources and citations go to:

http://grims.grandriver.ca/docs/SourcesCitations1.htm

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NAD 1983, UTM Zone 17 Scale 1:10,047

N

B71/15

Wellings Planning Consultants Inc.
Land Use Planners

July 7, 2015

Hand Delivered

Ms. Deborah Turchet
Secretary-Treasurer
Land Division Committee
County of Wellington
74 Woolwich Street
Guelph, Ontario L1H 3T9

Dear Ms. Turchet:

Re: Application for Consent
Krayishnik
6643 Concession 2
Township of Puslinch
Our File: 2013/13

On behalf of Ned and Lily Krayishnik, we are pleased to submit the enclosed consent application. The purpose of the application is to sever the southerly 8.7 hectares from the subject 11.05 hectare property located at 6643 Concession 2 and convey the same to the lands immediately west owned by Norman Doud Estate & Boarding Stables ("Tschanz"). The severed portion would be merged with the Tschanz property located at 6637 Concession 2. The severed portion contains the former Krayishnik residence, agricultural lands, a barn and a small garage. The retained parcel contains the new Krayishnik residence.

The new Krayishnik dwelling was constructed in 2007. The former residence remains on the property and is presently vacant. Despite unsuccessful attempts to legitimize the old residence as a second dwelling on the property, the dwelling remains in contravention of the Town of Puslinch Zoning By-law 19/85, Section 3, Sub-section 5(f) which allows only one dwelling per lot, except where specifically permitted.

Ms. Doreen Tschanz owner and manager Norman Doud Estate & Boarding Stables has an interest in the Krayishnik property as they presently farm the agricultural portions of the property for hay and utilize the existing barn. Ms. Tschanz currently boards 14-16 horses with the operation growing and they presently rent barn space and agricultural lands from Krayishnik to supplement their operation. Ms. Tschanz currently relies on hired farm help to attend to the horses, harvest the hay and perform general farm maintenance on fences and property and has recently found full-time farm help. The employee has indicated that they would require on-site accommodation.

Given that Ms. Tschanz is already making significant use of the Krayishnik property and has a legitimate need for the subject lands including the accessory residence, Ms. Tschanz recently entered into an agreement of purchase and sale with Krayishnik to

564 Emerald Street - Burlington ON L7R2N8
T 905 681 1769 - F 905 681 8741

transfer the 8.7 hectares of lands from 6643 (Krayishnik) to 6637 (Tschanz) Concession 2.

The subject lands are designated "Secondary Agricultural" on Schedule A7 – Puslinch to the County of Wellington Official Plan. Part 6 – The Rural System, Subsection 6.4.3 of the Official Plan indicates that accessory residences are a permitted use in Prime Agricultural Areas. Subsection 6.4.6 provides the following additional details:

> "Accessory residential uses needed for farm help....may be allowed provided they are established near the farm buildings."

Although the above policies are contained in the Prime Agricultural section of the Official Plan, Secondary Agricultural Areas Policy 6.5.3 lists the permitted uses in the Secondary Agricultural Area and states that:

> "a) all uses allowed in the Prime Agricultural Area;"

Consequently, the accessory residence policies of the Prime Agricultural Area also apply in the Secondary Agricultural Area.

The dwelling that would become the accessory residence is located approximately 55 m from the Krayishnik barn. As noted above, this barn is already in use by Ms. Tschanz to provide additional stables for the boarding operation. In our opinion, the accessory residence is adequately near the farm buildings. A separate application would be filed by Tschanz to legitimize this second farm residence once the consent application is approved.

As per Policy 6.5.6 of the County of Wellington Official Plan, MDS is required for new land uses, lot creation and new or expanded livestock facilities. As noted above, Policy 10.4.6 of the Official Plan indicates that lot line adjustments are deemed not to create new lots. Since there is no lot being created and there are a number of non-farm residential dwellings in the immediate vicinity, an MDS calculation is not necessary. The former Krayishnik residence co-existed for many years with the adjacent agricultural operation.

Section 10 – Creating New Lots, Sub-section 10.4.1 indicates that within the Secondary Agricultural Area:

> "Lot creation in secondary agricultural areas may be allowed for:
>
> e) lot line adjustments."

Sub-section 10.4.6 provides further details regarding when lot line adjustments should be encouraged and includes the following reason:

> "a) more viable agricultural operations will result;"

The Sub-section further states that:

> "Lot line adjustments are deemed not to create new lots for the purposes of this Plan."

As noted above, Ms. Tschanz already makes use of the agricultural fields and barn on the Krayishnik property. Transferring those assets to her ownership will enhance the agricultural operation and eliminate the need to pay rent for the lands and barn currently used. The land acquisition will also facilitate the utilization of the former Krayishnik residence to accommodate farm help which would otherwise be demolished. Such transaction will improve the viability of the Norman Doud Estate & Boarding Stables agricultural business.

The property is zoned as A – Agricultural in Schedule A – Map A7 of the Town of Puslinch Zoning By-law 19/85. Accessory residential uses are not listed as a permitted use in Section 5 – A Zone, Sub-section 2. It is acknowledged that future relief from the Zoning By-law will be required to permit the use of the dwelling on the lands to be severed and merged with the Tschanz property.

Based on the foregoing and a review of the relevant policies in the Secondary Agricultural designation of the County of Wellington Official Plan, and the Agricultural Zone in the Zoning By-law, in our opinion the proposed severance conforms to the Official Plan and complies with the provisions of the Zoning By-law recognizing that permission to use the second residence will require relief from the By-law.

Please find enclosed the following materials in support of the application:

1. One (1) original and one (1) copy of the completed application form including Owner's authorization;
2. Eight (8) full size copies plus one (1) reduction (11" x 17") of the consent sketch;
3. One copy of the parcel page for 6643 Concession 2, showing proof of ownership;
4. Letter of Acknowledgement and Support from various neighbours;
5. A cheque made payable to the County of Wellington for $1,000.00 being the application fee; and,
6. A cheque made payable to the Grand River Conservation Authority for $385.00 being the applicable review fee.

A circulation list has been requested from Ms. Kelly Patzer of the Township of Puslinch.

Please do not hesitate to contact me should you have any questions or require additional information.

Yours truly,
WELLINGS PLANNING CONSULTANTS INC.

Glenn J. Wellings, MCIP, RPP

Copy: Ned Krayishnik, Doreen Tschanz